

**ORDINANCE NO. 07-58**

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 91-122 (DEC. 10, 1991) IN ITS ENTIRETY THAT REZONED PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE DISTRICT) WITH ASSOCIATED VARIANCES; AND NOW REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE DISTRICT) ACCORDING TO A SITE PLAN DATED FEBRUARY 20, 2007 PREPARED BY PABLO R. GARCIA, P.E. WITH NOTATIONS FOR CONSTRUCTION OF A CBS WALL AND GRANTING A VARIANCE PERMIT TO ALLOW A FRONTAGE OF 50 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, A TOTAL AREA OF 6,500 SQUARE FEET, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, AND ALLOW 13 PARKING SPACES, WHERE 16 PARKING SPACES ARE REQUIRED, IN CONJUNCTION WITH A MUTUAL RECIPROCAL EASEMENT THAT ALLOWS FOR PARKING WITHIN THE PAVED PARKING AREAS LOCATED ON SITE AND ON THE ABUTTING PROPERTY LOCATED AT 4835 EAST 4 AVENUE, HIALEAH, FLORIDA, CONTRA TO HIALEAH CODE §§ 98-779 AND 98-2189(19). **PROPERTY LOCATED AT 4825 EAST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of May 9, 2007, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Ordinance 91-122 (Dec. 10, 1991) in its entirety that rezoned property from R-1 (One Family District) to RO (Residential Office District) with associated variances and now, rezones property from R-1 (One Family District) to RO (Residential Office District) according to a site plan dated February 20, 2007 prepared by Pablo R. Garcia, P.E. with notations for construction of a CBS wall and hereby grants a variance permit to allow a frontage of 50 feet, where at least 75 feet are required, a total area of 6,500 square feet, where at least 7,500 square feet are required, and allow 13 parking spaces, where 16 parking spaces are required, in conjunction with a mutual reciprocal easement that allows for parking within the paved parking areas located on site and on the abutting property located at 4835 East 4 Avenue, contra to Hialeah Code §§ 98-779 and 98-2189(19), which provide in pertinent part: "In the RO residential office district, the minimum lot area shall be 7,500 square feet with an average minimum depth of 100 feet and an average minimum width of 75 feet." and "*Residential-office*. One parking space for each 200 square feet of gross floor area," respectively. Property located at 4825 East 4 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE SOUTH 50 FEET OF THE NORTH 100 FEET OF  
TRACT 64-FA, REVISED PLAT OF SIXTEENTH  
ADDITION TO THE CITY OF HIALEAH, ACCORDING  
TO THE PLAT THEREOF, AS RECORDED IN PLAT  
BOOK 31, PAGE 32, OF THE PUBLIC RECORDS OF  
MIAMI-DADE COUNTY, FLORIDA.

**Section 2:** **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

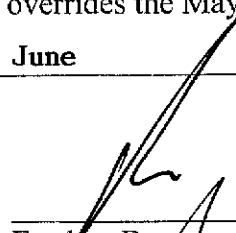
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

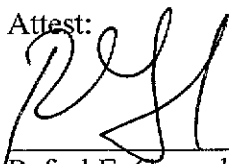
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of June, 2007.

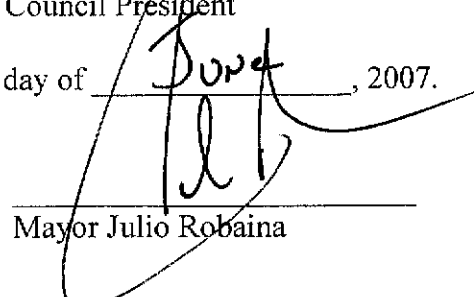
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

Approved on this 16 day of June, 2007.

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

Ordinance was adopted by a  
unanimous vote with  
Councilmembers Bovo, Caragol,  
Casals-Muñoz, Gonzalez, Hernandez,  
Miel and Yedra voting "Yes".